

# Notice of Allowability

Application No.

10/673,385

Examiner

Satya B Sastri

Applicant(s)

QUINN, THOMAS H.

Art Unit

1713

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed Sept. 30, 2004.
2. ☒ The allowed claim(s) is/are 5-10,12-19.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**EXAMINER'S COMMENT/AMENDMENT/REASONS FOR ALLOWANCE**

***Response to Amendment***

1. This office action is in response to amendment filed on September 30, 2004. *Claims 1-103* are now pending in the application. Applicant's election without traverse of *claims 5-19* and cancellation of *claim 11* in the reply is acknowledged. In view of the amendment, objection to claim 12 is withdrawn. Rejection of *claims 5-19* under 35 U.S.C. 112, second paragraph, as being indefinite for inclusion of "an effective amount" is moot in view of the amendment, rejection of *claim 10* as being indefinite for the softening point of the tackifying resin is also moot in view of the amendment. Furthermore, rejection of *claims 5, 10, 16 and 17* under 35 U.S.C. 102(b) as anticipated by Dubois et al. (US 6,107,430) and rejection of *claims 6-9, 12-15, 18 and 19* under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Dubois et al. (US 6,107,430) are withdrawn in view of the amendment.

**EXAMINER'S AMENDMENT**

2. *Claims 1-4, 20-103* are cancelled in view of election of Group II invention without traverse by applicants in the reply filed on September 30, 2004.

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

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1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

4. Authorization for this examiner's amendment was given in a telephone interview with Mr. Mark DiPetro on October 18, 2004.

Original *claim 17* is amended as follows:

In line 2, after essentially consists of, replace "8 to 14 wt.% of an ethylene/octene polymer..." by "greater than 40 wt.% of ethylene/octene polymer composition comprising about 8 to 14 wt.% octene, the polymer..."

#### ***Reasons For Allowance***

5. *Claims 5-10, 12-19* are allowed.

6. The following is an Examiner's Statement of Reasons for Allowance:

The instant claims are allowable over prior art to Dubois et al. (US 6,107,430).

The present claims are directed to a hot melt adhesive composition comprising greater than about 40 wt% of an ethylene C<sub>3</sub>-C<sub>18</sub>  $\alpha$ -olefin polymer composition comprising about 8 to 14 wt.%  $\alpha$ -olefin having a melt index greater than 800 gm-10 min<sup>-1</sup> and about 20-40 wt.% of a hydrogenated hydrocarbon tackifying resin with a softening point greater than 125°C wherein the weight ratio of the polymer composition to the resin is greater than about 1:1 (*claim 5*).

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Prior art to Dubois et al. is in regard to a hot-melt adhesive comprising ethylene-C<sub>2</sub>-C<sub>20</sub>  $\alpha$ -olefin and optionally a wax and a tackifier and has a viscosity less than 5000 at 150°C. The adhesive composition comprises from 20-65% by wt. of the interpolymer based on ethylene and C<sub>2</sub>-C<sub>20</sub>  $\alpha$ -olefin monomers, from 10-60% by wt. of at least one tackifying resin and 0-40% by weight of a wax. Preferred interpolymers are those based on ethylene with propylene, 1-butene, 1-pentene, 1-hexene, 1-octene etc. Preferably, the 1-octene comonomer content is greater than 31% by weight if the interpolymer. The melt index of the polymer is preferably from 200 to 2000 g/10 min.

The amended claims include a specific copolymer comprising 8-14% by wt. of  $\alpha$ -olefin in contrast to the prior art interpolymer in which the 1-octene comonomer content is greater than 31% by weight, based on the total weight of the interpolymer. Therefore, the instantly claimed invention is deemed allowable over closest prior art of record as per said art neither anticipating nor rendering, alone or in combination, the instantly claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Future Correspondence*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satya Sastri whose telephone number is 571-272-1112.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications. The unofficial direct fax phone number to the Examiner's desk is 571-273-1112.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
SATYA SASTRI

October 18, 2004

  
DAVID W. WU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700